

Applicants: Rashid A. Fawwaz  
U.S. Serial No.: 10/608,841  
Filed: June 26, 2003  
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REMARKS

In the Office Action, the Examiner restricted pending claims 1-26 to one of the following allegedly distinct inventions under 35 U.S.C. §121 as follows:

- I. Claims 1-21, drawn to methods for inhibiting rejection of a transplant by administering streptavidin, classified in class 514, subclass 2; and
- II. Claims 22-26, drawn to a method a pharmaceutical composition or article of manufacture comprising streptavidin, classified in class 530, subclass 367.

In response, applicant hereby elects Group I, claims 1-21, with traverse, for prosecution at this time.

Applicant, however, respectfully requests that the Examiner reconsider and withdraw the restriction requirement.

Under M.P.E.P. §803, the Examiner must examine the application on the merits if examination can be made without serious burden, even if the application would include claims to distinct or independent inventions. That is, there are two criteria for a proper requirement for restriction: (1) the invention must be independent and distinct, and (2) there must be a serious burden on the Examiner if restriction were not required.

Applicant respectfully submits that there would not be a serious burden on the Examiner if restriction were not required, because a

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search of the prior art relevant to the claims of Group I would provide the relevant prior art for Group II. Specifically, Groups I and II relate to methods, pharmaceutical compositions and articles of manufacture all pertaining to the streptavidin. Since there is no burden on the Examiner to examine Groups I and II together in the same application, the Examiner must examine the entire application on the merits.

In view of the foregoing, applicant maintains that restriction is not proper under 35 U.S.C. §121, and respectfully request that the Examiner reconsider and withdraw the requirement for restriction.

No fee, other than the \$510.00 fee for a three-month extension of time, is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

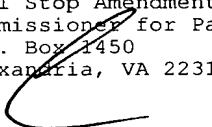
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If a telephone interview would be of assistance in advancing the prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone them at the number provided below.

Respectfully submitted,

  
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